



DEPARTMENT OF PERSONNEL

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MEMO PERD #43/99

November 22, 1999

TO: Designees for Personnel Rules Distribution
FROM: Jeanne Greene, Director
Department of Personnel
SUBJECT: REGULATION CHANGE

We recently distributed regulations adopted by the Personnel Commission on September 10, 1999. These regulations were effective September 27, 1999, the date they were filed with the Secretary of State.

Subsequent to the distribution, we received comments regarding the lack of clarity in subsection 3 of NAC 284.589, "*Administrative leave with pay*". As a result, the Legislative Counsel Bureau revised the language in this section.

Attached is the revised language for NAC 284.589 which replaces the one we previously distributed to you. Please notify others of this change as appropriate.

As noted previously, we will be republishing the *Rules for Personnel Administration* in the first quarter of 2000 which will reflect this revised language.

Thank you for your input and assistance. If you have any questions regarding this change, please contact Phil Hauck at 684-0130.

JG:cp

cc: Agency Personnel Liaison
Agency Personnel Representative

Sec. 10. NAC 284.589 is hereby amended to read as follows:

NAC 284.589 Administrative leave with pay.

1. An appointing authority may grant administrative leave with pay to an employee:
 - (a) To relieve him of his duties during the active investigation of a suspected criminal violation or the investigation of an alleged wrongdoing;
 - (b) For up to 2 hours to donate blood; or
 - (c) To relieve him of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.
2. **Except as otherwise provided in subsection 3, an** appointing authority or the department of personnel may grant administrative leave with pay to an employee **for any of the following purposes:**
 - (a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the state but which do not require him to participate or attend in his official capacity as a state employee.
 - (b) Closure of the employee's office or worksite caused by a natural disaster or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.
 - (c) **His appearance as an aggrieved employee or a witness at a hearing of the committee.**
 - (d) **His appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the department of personnel.**
 - (e) **His appearance to provide testimony at a meeting of the commission.**
3. An appointing authority or the department of personnel shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (c), (d) or (e) of subsection 2 if:
 - (a) The employee requests the administrative leave for a period of time that is reasonably needed for him to testify at the hearing or meeting;
 - (b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and
 - (c) **The absence of the employee will not cause an undue hardship to the operations of his appointing authority or adversely impact the provision of services to clients or to the public.**
4. An appointing authority shall grant administrative leave with pay to an employee **for any of the following purposes:**
 - (a) The initial appointment and one follow-up appointment if the employee receives counseling through the employee assistance program.
 - (b) His attendance at a wellness fair which has been authorized by the risk management division of the department of administration.
 - (c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.
 - (d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99)

of employment equivalent to full-time service with the state before he is eligible for the increase.

Sec 7. NAC 284.186 is hereby amended to read as follows:

284.186 Date of promotion coinciding with [date of record] pay progression date.

If the date of an eligible employee's promotion coincides with his [date of record] pay progression date, an increase in salary based on merit must be granted first and the promotional increase must be applied to the higher rate.

Sec 8. NAC 284.194 is hereby amended to read as follows:

284.194 Granting or withholding of increase in salary based on merit.

1. An employee whose last rating of performance was standard or better and who has not attained the top step of his grade must receive an increase in his salary based on merit of one step on his [date of record] pay progression date and each year thereafter of employment equivalent to full-time service until he reaches the top of the grade unless he receives a subsequent rating of performance which is substandard.
2. An employee whose last rating of performance was substandard is not eligible for an increase in his salary based upon merit. Such an employee is only entitled to receive an increase in salary based on merit on the date designated and recorded on a subsequent report on performance as the date on which his overall performance improved to standard or better. If a subsequent report on performance is not filed with the director within 30 days after the date required by subsection 4 of NRS 284.340, the employee's performance will be deemed standard and he will be entitled to the increase effective on the date the report on performance was due. The date a report is received by the director or an employee of the department of personnel is the date it is filed.
3. If an increase in salary based on merit is withheld as provided in subsection 2, the employee's [date of record] pay progression date must not be affected.
4. Except as provided in NAC 284.202, no retroactive payment of an increase in salary based on merit may be given.

Sec. 9. NAC 284.589 is hereby amended to read as follows:

Explanation of change: This amendment, requested by the Employee-Management Committee, provides that Administrative leave must be granted under certain circumstances.

284.589 Administrative leave with pay.

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 - (a) To relieve him of his duties during the active investigation of a suspected criminal violation or the investigation of an alleged wrongdoing;

- (b) For up to 2 hours to donate blood; or
 - (c) To relieve him of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.
2. An appointing authority or the department of personnel may grant administrative leave with pay to an employee for **any of the following purposes:**
- (a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the state but which do not require him to participate or attend in his official capacity as a state employee.
 - (b) Closure of the employee's office or worksite caused by a natural disaster or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.
 - (c) **His appearance as an aggrieved employee or a witness at a hearing of the committee.**
 - (d) **His appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the department of personnel.**
 - (e) **His appearance to provide testimony at a meeting of the personnel commission.**
3. **Administrative leave requested for the reasons specified in subsection 2(c) through subsection 2(e) may not unreasonably be denied if the request is for a period of time reasonably needed to testify, the request is made at least two weeks in advance, unless such notice is impractical, and the absence of the employee will not cause an undue hardship to agency operations or adversely impact the provision of services to clients or the public.**
4. An appointing authority shall grant administrative leave with pay to an employee for **any of the following purposes:**
- (a) The initial appointment and one follow-up appointment if the employee receives counseling through the employee assistance program.
 - (b) His attendance at a wellness fair which has been authorized by the risk management division of the department of administration.
 - (c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.
 - (d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.

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